

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHRISTINE BIROS,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 2:23-cv-000297-RJC
)	
SHANNI SNYDER et al.,)	
)	
Defendants.)	

AFFIDAVIT OF COUNSEL IN SUPPORT OF
REQUEST OF PLAINTIFF CHRISTINE BIROS FOR ENTRY OF DEFAULT
AGAINST DEFENDANT J. ALLEN ROTH

I, Stuart C. Gaul, Jr., being duly sworn, state as follows:

1. I am 18 years of age or older and am competent to render the foregoing testimony under oath.

2. I am an attorney admitted to practice in the Commonwealth of Pennsylvania and before this Court, and I am an attorney with the law firm of Bernstein-Burkley, P.C., counsel for Christine Biros. I am familiar with the facts and pleadings in this matter. I am not a party to this lawsuit.

3. I submit this affidavit to the best of my knowledge, information, and belief, in support of Plaintiff's Request for Entry of Default against Defendant J. Allen Roth, pursuant to Fed. R. Civ. P. 55(a).

4. On February 22, 2023, Biros filed a Complaint in this Court. She named Roth and three other persons as Defendants.

5. On Monday, February 27, 2023, Defendant Roth was served with Biros's Complaint in this action and a Summons issued by this Court. Biros filed a

copy of the Proof of Service evidencing that service with this Court at Doc. No. 11 in this action, and a copy of that Proof of Service, as filed, is attached to this Affidavit as Exhibit 1.

6. Pursuant to Rule 12(a)(1)(A)(i) of the Federal Rules of Civil Procedure, a defendant must ordinarily serve an answer or other response within twenty-one days after being served with a summons and complaint.

7. I am not aware of any exception or circumstances that would have extended this period for response.

8. Accordingly, Roth's period in which to respond to Biros's Complaint in this action expired on Monday, March 20, 2023.

9. Roth has not answered or responded to the Complaint.

10. Roth is not an infant nor an incompetent person.

11. Roth is also not a serving member of the Armed Forces of the United States entitled to protection of 50 U.S.C. § 3931. A report from the Servicemembers Civil Relief Act website, showing that Roth is not an active-duty member of the United States Armed Forces, is attached to this Affidavit as Exhibit 2.

Civil Action No. 2:23-cv-00297-RJC**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*This summons for *(name of individual and title, if any)* J. Allen Roth
was received by me on *(date)* Feb. 27, 2023.☒ I personally served the summons on the individual at *(place)* 805 South Alexandria
Street, Latrobe, PA 15650 on *(date)* Feb. 27, 2023; or☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____,
a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or☐ I returned the summons unexecuted because _____; or☐ Other *(specify)*: _____My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 3/1/23
Server's signatureAlex Gillespie
Printed name and titlePO Box 12714, Pgh, PA 15241
Server's address

Additional information regarding attempted service, etc:





Status Report Pursuant to Servicemembers Civil Relief Act

SSN: [REDACTED]
 Birth Date: [REDACTED]
 Last Name: ROTH
 First Name: J
 Middle Name: ALLEN
 Status As Of: Mar-21-2023
 Certificate ID: F9D1GW0S9FDVK65

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

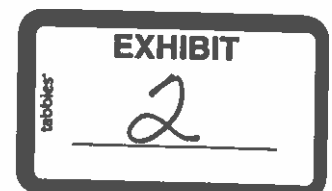
Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Michael V. Sorrento

Michael V. Sorrento, Director
 Department of Defense - Manpower Data Center
 400 Gigling Rd.
 Seaside, CA 93955



The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/faq>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.